



April 21, 2022

Board of Public Works and Safety  
P.O. Box 1688  
Lafayette, IN 47902

RE: **Cargill Inc. – Significant Industrial Contributor – SIU 02**

Dear Board Members:

Enclosed, for your approval, is the Industrial User permit for Cargill Inc.

Cargill is permitted with Lafayette Renew's Pretreatment Program, as a Significant Industrial Contributor.

The Industrial User Permit is being renewed with a Flow Limit increase and other minor changes that are listed below:

- **Flow Limit Increase** to .350 million gallons per day (Previous Flow Limit was .200 million gallons per day)
- **Other minor changes:** "Foam" was added to the list of Prohibited Substances on page 6; Meter Information was updated on pages 7 and 12 to reflect the current flow measurement device on site at the facility; "Dilution Water", "Interference", and "Passthrough" were added to the definitions section on pages 17 and 18; Penalty section was added to Part VII Standard Conditions on page 19; Potential Slug Discharge Notification section was added to Part X Additional Reporting Requirements on page 24.

Sincerely,

A handwritten signature in black ink, appearing to read "JB Terry", is written over the printed name.

Joshua B. Terry  
Chief of Surveillance/Pretreatment

JT/mo  
Enclosure





*City of Lafayette*

**Significant Industrial User Permit No. SIU 02**

In accordance with the provisions of the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended,

**Cargill, Inc.**  
**1502 Wabash Avenue**  
**Lafayette, IN 47905**

Is hereby authorized to discharge wastewater, from the above identified facility and through the discharge point identified herein, into the City of Lafayette sewer system, in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable regulations, standards, or requirements under Local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended.

This permit shall become effective on **April 26, 2022**, and shall expire at midnight on **April 25, 2026**.

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit, a minimum of 180 days prior to the expiration date.

Recommended By:   
Brad W. Talley  
Superintendent, Lafayette Renew

Date: 7/20/2022

Approved By: Board of Public Works and Safety  
City of Lafayette, Indiana

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

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**Facility Description – SIC Code 2075**

Cargill is primarily engaged in processing approximately 90,000 bushels/day of whole soybeans into soybean meal and crude soybean oil. Raw products are received by truck and rail car and shipped out the same way.

Cargill maintains one discharge point to the City of Lafayette sewerage system that requires monitoring.

**PART I – EFFLUENT LIMITATIONS**

- A. During the period of **April 26, 2022** to midnight **April 25, 2026**, the permittee is authorized to discharge wastewater to the City of Lafayette Sewer System through the discharge point listed below.

**Discharge Point**  
No. 1

**Description**  
Refer to ATTACHMENT I  
Includes process and dilution wastewater.

- B. During the period of **April 26, 2022** to midnight **April 25, 2026**, the discharge from Discharge Point No. 1 shall not exceed the following effluent limitations. Exceeding these effluent limitations is a violation of this permit and will initiate surcharges as outlined in the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended.

**PARAMETERS**
**DAILY MAXIMUM (mg/L)**

Flow	0.350 (MGD)
TBOD	1000*
TSS	1000*
pH	< 6.0 (S.U.) or > 9.0 (S.U.)
Phosphorus (T)	7.00**
FOG	200

\* **Discharges over 250 mg/L are surchargeable.**

\*\* **Discharges over 7.00 mg/L are surchargeable. Discharges over 9.0 mg/L are subject to a second level surcharge.**

- C. The permittee shall not discharge wastewater containing any of the following substances from their discharge points.
1. **Temperature:** Having a temperature which will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case heat at such levels causing the temperature at the treatment plant to exceed 104°F. The temperature of wastewater entering the sewage system shall not exceed 150°F or less than 32°F.
  2. **Fat, Oil or Grease (FOG):** Containing more than 200 mg/L of fat, oil, or grease.



3. **Fire or Explosion:** pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, paint products, ethers, alcohols, ketones, aldehydes, peroxides, acids or bases, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system.
4. **Garbage:** Containing garbage with particles greater than one-half inch ( $\frac{1}{2}$ " ) in any dimension.
5. **Obstructions:** Containing solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment plant including, but not limited to, ashes, cinders, spent lime, stone dust, sand, mud, straw, shavings, metals, glass, disposable/flushable wipes, feminine hygiene products, contraceptive products, rags, grass clippings, feathers, tar, plastics, wood, whole blood, manure, bentonite, lye, building materials, rubber, asphalt residues, hair, bones, leather, porcelain, china, ceramic wastes, polishing wastes, glass grinding or other solid or viscous substances capable of causing obstruction or other interference with the operation of the sewerage system.
6. **pH:** Having a pH, stabilized, lower than 6.0 (S.U.) or higher than 9.0 (S.U.) or having any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, bacterial action, or personnel of the sewerage system.
7. **Toxic Pollutants:** Containing toxic or poisonous pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the sewage treatment plant, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
8. **PCB:** Containing concentrations of any form of PCB's greater than the achievable detection limit using the Best Available Technology.
9. **BOD and Suspended Solids:** Containing BOD or Suspended Solids concentration greater than 250 mg/L of such character and quantity that unusual attention or expense is required to handle such materials in the sewage treatment plant. Discharges in excess of 250 mg/L may be subject to surcharge as provided for in the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended. Discharges over 500 mg/L may be subject to a second-level surcharge. A BOD or Total Suspended Solids concentrations greater than 1,000 mg/L places the discharger in noncompliance of the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, and requires the City of Lafayette to implement enforcement response proceedings.

Food processing plants, or similar process discharges, with flows in excess of 1.0 MGD may pay a second-level surcharge for any discharge over 250 mg/L, due to their potential impact on the wastewater treatment plant process. A BOD or Total Suspended Solids concentrations greater than 500 mg/L places the discharger in noncompliance of the City

of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, and requires the City of Lafayette to implement enforcement response proceedings.

10. Ammonia Nitrogen: Containing an ammonia nitrogen concentration in excess of 80 mg/L.
11. Odors: Containing any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
12. Color: Containing dye from any source or from wastewater which imparts color which cannot be removed by the pretreatment process, and that will not have an effluent the equivalent of that produced by alum coagulation and chlorination to remove suspended or colloidal matter and bleach the dissolved dyes, or which would consequently impart color to the treatment plant's effluent causing a NPDES permit violation.
13. Medical Waste: Any medical wastes, except as specifically authorized by the City of Lafayette in a wastewater discharge permit.
14. Radioactivity: Containing radioactive substances and/or isotopes of such half-life or concentration as may exceed limits in compliance with applicable State or Federal regulations.
15. Prohibited Substances: Prohibited by the permit issued by the State of Indiana or the Environmental Protection Agency.
16. Water Quality Standards: Containing any substance which will cause the wastewater treatment plant to violate its NPDES Permit or the receiving water quality standards.
17. Toxicity: Any wastewater causing the treatment plant's effluent to fail a whole effluent toxicity test.
18. Reclamation and Reuse: Containing any substance which may cause the wastewater treatment plant's effluent or any other product of the wastewater treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewerage system cause the wastewater treatment plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
19. Biological Treatment: Containing wastes which are capable of interfering with biological treatment or a reduction of treatment in existing treatment facilities, specifically non-biodegradable complex carbon compounds.
20. Organic Compounds: Containing any organic compounds of endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, or trichlorophenoxypropionic acid.
21. Hazardous Chemicals: Causing a hazard to human life or public nuisance.



22. Total Solids: Containing total solids of such character and quantity that unusual attention or expense is required to handle such materials or will cause interference or pass through at the wastewater treatment plant.
23. Oxygen Demand: Containing pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the wastewater treatment plant.
24. Oils: petroleum oil, non-degradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
25. Total Phosphorus: Containing a total phosphorus concentration in excess of 7.00 mg/L. Discharges in excess of 7.00 mg/L may be subject to surcharge as provided for in the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended. Discharges over 9.00 mg/L may be subject to a second-level surcharge.
26. Foam: Detergents, surface-active agents, or other substances, which cause excessive foaming in the POTW.

## **PART II – SURVEILLANCE**

### **A. Frequency**

Lafayette Renew personnel shall perform surveillance normally quarterly, but at least annually.

### **B. Duration**

The surveillance period will normally be seven (7) consecutive days, but may be of shorter or longer duration at the discretion of Lafayette Renew. In cases where the surveillance period extends for a greater number of consecutive days than seven (7), Lafayette Renew shall have the prerogative of selecting the days of its choice.

### **C. Location**

Lafayette Renew's point of surveillance will normally be Discharge Point No. 1 but may be at other points as deemed necessary. (See ATTACHMENT I)

**PART III – MONITORING REQUIREMENTS**

- A. From the period beginning on the effective date of the permit until midnight **April 25, 2026**, the permittee shall monitor Discharge Point No. 1 for the following parameters at the indicated frequency:

<b><u>Sample Parameter</u></b>	<b><u>(Units)</u></b>	<b><u>Sample Location</u></b>	<b><u>Frequency</u></b>	<b><u>Sample Type</u></b>
Flow	(MGD)	See Note <sup>1</sup>	Daily	24 Hr Total <sup>2</sup>
pH	(S.U.)	See Note <sup>1</sup>	1/Month	Grab <sup>3,4</sup>
TBOD <sub>5</sub>	(mg/L)	See Note <sup>1</sup>	1/Month	Composite <sup>3,4</sup>
TSS	(mg/L)	See Note <sup>1</sup>	1/Month	Composite <sup>3,4</sup>
Phosphorus (T)	(mg/L)	See Note <sup>1</sup>	1/Month	Composite <sup>3,4</sup>
FOG	(mg/L)	See Note <sup>1</sup>	1/Month	Grab <sup>3,4</sup>

1. Discharge Point No. 1 is located on the west side of the plant next to the ditch and is approximately 65 feet west of the retaining wall (east of the square storm structure) and approximately 45 feet south of the meal storage tanks and consists of process and sanitary wastewater through a 24-inch pipe. (See Attachment I)
2. The Permittee shall meter continuously the total effluent wastewater discharged by means of a 10" Palmer Bowlus Flume in conjunction with a Siemens Sitrans LUT 430 Ultrasonic Flow Meter (Serial Model # PBD/K8300120) (or replacement) located at Discharge Point #1. The total wastewater discharged shall be monitored and recorded daily, not estimated.

3. Definition of sample types:

Composite Sample – 24-hour flow proportional composite samples pursuant to 40 CFR 403 Appendix E, I. Composite Method. A 24-hour composite sample should consist of at least twelve (12) individual flow-proportioned samples of wastewater taken manually or automatically and discretely or continuously.

Grab Sample – an individual sample collected over a period of time not exceeding 15 minutes pursuant to 40 CFR 403 Appendix E, II. Grab Method.

4. Test procedures for analysis of pollutants shall conform to regulations published pursuant to Section #304 (g) of the Clean Water Act, the most recent edition of "**Standard Methods of the Examination of Water and Wastewater**", or other methods approved by Lafayette Renew and the U.S. EPA.



- B. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record and submit the following information:
1. The exact place, date, time, method, and preservation of sampling,
  2. the names of the person(s) who collected the samples
  3. the dates the analyses were performed,
  4. the person(s) who performed the analysis,
  5. the analytical techniques/methods and detection limits used,
  6. the results of all required analysis, and
  7. chain of custody if the sample analysis is performed by an independent laboratory.
- C. All handling and preservation of collected samples and laboratory analysis of samples shall be performed in accordance with 40 CFR Part 136 and amendments thereto, unless specified otherwise in the monitoring conditions of this permit.

#### **PART IV – REPORTING REQUIREMENTS**

##### **A. Signatory Requirements**

All applications, plans, or reports submitted to Lafayette Renew must contain the following certification statement and be signed by an authorized representative of the industrial user.

**“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”**

\_\_\_\_\_  
**Signature of Authorized Representative**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Date**

An authorized representative may be:

- (1) A principal executive officer of at least the level of vice president or equivalent, if the Industrial User submitting the report is a corporation.
- (2) A general partner or proprietor if the Industrial User submitting the report is a partnership or sole proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the discharge originates.

- B.** Monitoring results obtained shall be summarized and reported on an Industrial User Monitoring Report once per month, with any violations highlighted and notated on the report. The reports must be postmarked or received on or before the tenth (10<sup>th</sup>) day of each month. If the tenth day of the month falls on a weekend or holiday, then the reports may be postmarked or received on the following business day. The report shall indicate the nature and concentration of all pollutants in the effluent for which sampling and analysis were performed during the calendar month preceding the submission of each report. The report should include measured daily flows, average daily flow, and monthly total flow.
- C.** If the permittee monitors any pollutant more frequently than required by this permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto or otherwise approved by U.S. EPA or as specified in this permit, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and the results shall be reported in the monthly monitoring report submitted to Lafayette Renew. Such increased monitoring frequency shall also be indicated in the monthly report.
- D.** Annually, the permittee shall submit an updated Industrial User Application as provided by Lafayette Renew. This report shall be submitted to Lafayette Renew by November 30<sup>th</sup> of each year for the reporting period of November 1<sup>st</sup> to October 31<sup>st</sup>.
- E.** Annually, the permittee shall report on the method and means of removal of sludge residues and hauled process wastewater, which is any process wastewater that is hauled offsite in lieu of treatment. This report shall be submitted to Lafayette Renew by November 30<sup>th</sup> of each year for the reporting period of November 1<sup>st</sup> to October 31<sup>st</sup>. This report should include the type of sludge residues and hauled process wastewater, volumes, transporter, and locations of disposal.
- F.** Annually, the permittee shall submit an updated Spill Prevention Control and Countermeasure Plan (SPCC), or may submit a letter which references the date and/or the revision number of the previously submitted SPCC and reports that this SPCC has been reviewed and is still being implemented, as submitted, with no changes occurring since its submission. The updated SPCC or Letter shall be submitted to Lafayette Renew by November 30<sup>th</sup> of each year. (See 40 CFR 112)
- G.** Annually, the permittee shall submit an updated Slug Discharge Control Plan, or may submit a letter which references the date and/or the revision number of the previously submitted Slug Discharge Control Plan and reports that this Slug Discharge Control Plan has been reviewed and is still being implemented, as submitted with no changes occurring since its submission. The updated Slug Discharge Control Plan or Letter shall be submitted to Lafayette Renew by November 30<sup>th</sup> of each year. (See 40 CFR 403.8 (f) (2) (vi) A, B, C, D)



**H.** Annually, the permittee shall submit an updated Toxic Organic Management Plan (TOMP), or may submit a letter which references the date and/or the revision number of the previously submitted TOMP and reports that this TOMP has been reviewed and is still being implemented, as submitted, with no changes occurring since its submission. The updated TOMP or Letter shall be submitted to Lafayette Renew by November 30<sup>th</sup> of each year.

A Toxic Organic Management Plan should include the following items, Minimum:

1. A complete inventory of all toxic organic chemicals in use and identified through sampling and analysis of the wastewater from regulated process operations (organic constituents of trade-name products should be obtained from the appropriate suppliers as necessary),
2. description of the methods of disposal, other than dumping used for the inventoried compounds, such as reclamation, contract hauling, or incineration,
3. the procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, non-contact cooling water, groundwater, or surface waters (i.e., Spill Prevention, Control, and Countermeasures Plan), and
4. in addition, a certification statement must be included at the time of submission of the TOMP, and with each subsequent annual report. It must be signed by an authorized representative of the industrial user. A statement such as the following is required.

**“Based on my inquiry of the person/persons directly responsible for managing compliance with TTO limitations, I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last report. I further certify that this facility is implementing the toxic organic pollutant management plan submitted to the City on (date must be specified).**”

\_\_\_\_\_  
**Signature of Authorized Representative**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Date**

An authorized representative may be:

- (1) A principal executive officer of at least the level of vice president or equivalent, if the Industrial User submitting the report is a corporation.
- (2) A general partner or proprietor if the Industrial User submitting the report is a partnership or sole proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the discharge originates.

**I. Automatic Resampling**

If the results of the permittee's wastewater analysis indicate that a violation of this permit has occurred, the permittee must:

1. Notify Lafayette Renew within 24 hours of becoming aware of the violation; and
2. Repeat the sampling and pollutant analysis to demonstrate a return to compliance. Then submit, in writing, the date and value of the original violation, any repeat analyses, the cause of the violation, and the corrective actions to prevent future violations, within 30 days after becoming aware of the violation.

**J. Accidental Discharge Report**

1. The permittee shall notify Lafayette Renew immediately upon the occurrence of an accidental discharge of substances prohibited by City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, or any slug discharge or spills that may enter the public sewer. Lafayette Renew should be notified by telephone at (765) 807-1800. The notification shall include location of discharge, date and time thereof, type of waste including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases, in accordance with this section, does not relieve it of other reporting requirements that arise under Local, State, or Federal laws.

Within five days following an accidental discharge, the permittee shall submit to Lafayette Renew, a detailed written report. The report shall specify:

- a. Description and cause of the upset, discharge or accidental slug discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration, and volume of waste.
- b. Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
- c. All steps taken, or to be taken, to reduce, eliminate, and/or prevent recurrence of such an upset, slug discharge, accidental discharge, or other conditions of noncompliance.



- K. All documents (applications, plans, reports, etc....) required by this permit shall be submitted to Lafayette Renew at the following address. Documents may be sent in together, but must be separate individual documents with separate signatory requirements. Documents with a due date must be postmarked or received by the required due date, unless the due date falls on a weekend or holiday, then the document may be postmarked or received on the following business day.

**Lafayette Renew  
1700 Wabash Ave.  
Lafayette, IN 47909  
Attn: Josh Terry**

#### **PART V – SPECIAL CONDITIONS**

- A. The permittee shall meter continuously the total effluent wastewater discharge by means of a 10" Palmer Bowlus Flume in conjunction with a Siemens Sitrans LUT 430 Ultrasonic Flow Meter (Serial Model # PBD/K8300120) (or replacement), which is permanently installed, totalizing, non-resettable flow measurement device/meter located at Discharge Point #1.
- B. The permittee shall calibrate the flow measurement equipment once every twelve months from the date of the previous calibration. The calibration shall be performed by a qualified party.
- C. The permittee shall not, at any time, remove, alter, or change the flow measurement meter listed in **PART V – SPECIAL CONDITIONS, Section A** without first notifying Lafayette Renew. If at any time the City, or the permittee, observes questionable performance from a meter, the permittee is required to take immediate corrective actions. This corrective action must be acceptable to Lafayette Renew. Ending and starting meter readings must be recorded and submitted to Lafayette Renew when meters are repaired or replaced.
- D. Spare parts for totalizing, sensing, recording and sampling shall be available or a service repair company shall be contacted for immediate installation/repair upon discovery of improperly operating devices, equipment, or meters.

**PART VI – FEES, RATES, AND CHARGES****A. Specific Billing Conditions and Procedures**

Lafayette Renew's monthly meter readings of flow volume from the meter listed in **PART V – SPECIAL CONDITIONS, Section A** will be used to establish the basic monthly charge for sewage service.

Surcharges will be established by the quarterly surveillance survey as provided in the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended. Surcharges and surveillance monitoring fees will be computed by the City of Lafayette as provided in the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, and billed once per quarter with the regular monthly bill.

**PART VII – STANDARD CONDITIONS****A. Reopener Clause**

1. This permit may be reopened and modified to incorporate any new or revised requirements contained in a National Categorical Pretreatment Standard.
2. This permit may be reopened and modified to incorporate any new or revised requirements, developed by Lafayette Renew and approved by the City of Lafayette Board of Public Works and Safety, as are necessary to ensure POTW compliance with its NPDES permit and applicable sludge management requirements promulgated by the U.S. EPA (40 CFR 503).

**B. Severability**

The provisions of this permit are severable, and if any provision or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**C. Duty to Comply**

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

**D. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant, or the environment, resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of a noncomplying discharge.

**E. Permit Modification**

This permit may be modified for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or Local pretreatment standards or requirements;
2. To address substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
3. A change in any condition in either the industrial user or the POTW, that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City of Lafayette's collection and treatment systems, sludge use and disposal, POTW personnel, or the receiving water;
5. Violation of any terms or conditions of the permit;
6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
7. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13,
8. To correct typographical or other errors in the permit;
9. To reflect transfer of the facility ownership and/or operation to a new owner/operator, and
10. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request of the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**F. Permit Termination**

This permit may be terminated for good cause, including, but not limited to, the following reasons:

1. Falsifying self-monitoring reports and certification statements;
2. Tampering with monitoring equipment;
3. Refusing to allow timely access to the facility premises and records;



4. Failure to meet effluent limitation;
5. Failure to pay fines;
6. Failure to pay sewer charges;
7. Failure to meet compliance schedules;
8. Failure to notify Lafayette Renew of significant changes to the wastewater prior to the changed discharge;
9. Failure to provide prior notification to Lafayette Renew of changed conditions;
10. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended.

#### **G. Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State, or Local laws or regulations. The issuance of this permit also does not preempt any duty to obtain any state or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made.

#### **H. Limitation on Permit Transfer**

Permits may only be reassigned or transferred to a new owner and/or operator with prior approval from Lafayette Renew. If approval is granted:

1. The permittee must give at least thirty (30) days advance notice to Lafayette Renew and
2. the notice must include a written certification by the new owner which:
  - a. States that the new owner has no immediate intent to change the facility's operations and processes,
  - b. identifies the specific date on which the transfer is to occur, and



- c. acknowledges full responsibility for complying with the existing permit.

### **I. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit a letter requesting a permit renewal along with an updated Industrial User Application at least 180 days prior to the expiration date of this permit. If an Industrial User Application has been recently submitted for annual reporting requirements and no changes have occurred since the last submission of the Industrial User Application, the permittee may just submit a letter requesting a permit renewal. This letter should include a signed certification statement, reference the date of the last Industrial User Application submitted, and state that the referenced Industrial User Application has been reviewed and is current.

### **J. Continuation of Expired Permits**

An expired permit will continue to be effective and enforceable until the permit is reissued if:

1. The permittee has submitted a complete permit application at least 180 days prior to the expiration date of the user's existing permit, or
2. the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

### **K. Dilution**

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

### **L. Definitions**

1. Daily Maximum – The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where the daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
2. Composite Sample – 24-hour flow proportional composite samples pursuant to 40 CFR 403 Appendix E, I. Composite Method. A 24-hour composite sample should consist of at least twelve (12) individual flow-proportioned samples of wastewater taken manually or automatically and discretely or continuously.
3. Grab Sample - an individual sample collected over a period of time not exceeding 15 minutes pursuant to 40 CFR 403 Appendix E, II. Grab Method.

4. Cooling Water –

- a. Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectable higher than that of the intake water.
- b. Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

5. Monthly Average – The arithmetic mean of the values for the effluent samples collected during a calendar month or specified 30 day period (as opposed to a rolling 30 day window).

6. Weekly Average – The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.

7. Bi-Weekly – Once every other week.

8. Bi-Monthly – Once every other month.

9. Upset – means an exceptional incident in which there is unintentional and temporary noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance and/or careless or improper operation of the facilities.

10. Bypass – means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

11. Dilution Wastewater – means wastewater flows from (a) boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards for one or more of the following reasons: (1) The pollutants of concern are not detectable in the effluent from the Industrial User; (2) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects; (3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known; or (4) The wastestream contains only pollutants which are compatible with the POTW.



12. Interference – means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW; its treatment processes or operations, or its sludge processes, use or disposal; and (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including any State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
13. Pass through – means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

#### **M. Compliance with Applicable Pretreatment Standards and Requirements**

Compliance with this permit does not relieve the permittee from its obligations regarding compliance with any and all applicable Local, State, and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

#### **N. Annual Publication**

A list of all industrial users which were subject to enforcement proceedings during the 12 previous months shall be annually published by Lafayette Renew in a newspaper of general circulation that provides meaningful public notice in the City of Lafayette.

#### **O. Civil and Criminal Liability**

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, or State or Federal laws or regulations.

#### **P. Recovery of Costs Incurred**

In addition to civil and criminal liability, the permittee violating any of the provisions of this permit or City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, or causing damage to or otherwise inhibiting the City of Lafayette's wastewater system shall be liable to the City of Lafayette for any expense, loss, or damage caused by such violation or discharge. The City of Lafayette shall bill the permittee for the costs incurred by Lafayette Renew for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation.

**Q. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

**R. Penalty**

Any violation of the industrial user permit or the City of Lafayette's Sewer Service and Wastewater Control Ordinance, as amended, may be subject to a fine of not less than one thousand dollars (\$1000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

**PART VIII – OPERATION AND MAINTENANCE OF POLLUTION CONTROLS****A. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed, or used, by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**B. Duty to Halt or Reduce Activity**

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**C. Bypass of Treatment Facilities**

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage, or no feasible alternatives exist.
2. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.



**3. Notification of bypass:**

- a. Anticipated bypass – if the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to Lafayette Renew. This report shall specify:
  - (i) The reason for and the description of the bypass, including its expected duration, and
  - (ii) the steps being taken, or to be taken to reduce, eliminate, and prevent a reoccurrence for the need of a bypass.
- b. Unanticipated bypass – the permittee shall immediately notify Lafayette Renew and submit a written notice to the POTW within 5 days. This report shall specify:
  - (i) A description of the bypass, and its cause, including its duration,
  - (ii) whether the bypass has been corrected, if not, the anticipated time to be corrected, and
  - (iii) the steps being taken, or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

**D. Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resources Conservation and Recovery Act.

**PART IX – MONITORING AND RECORDS****A. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure their accuracy. Monitoring points shall not be changed without notification to and the approval of Lafayette Renew.

**B. Flow Measurements**

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

**C. Analytical Methods to Demonstrate Continued Compliance**

All sampling and analysis required by this permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit.

**D. Additional Monitoring by the Permittee**

If the permittee monitors any pollutants more frequently than required by this permit, using test procedures identified in **PART III- MONITORING REQUIREMENTS**, the results of this monitoring shall be included in the permittee's self-monitoring reports.

**E. Right of Entry: Inspection and Sampling**

The permittee shall allow Lafayette Renew, or an authorized representative, upon the presentation of proper credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit,
2. Have access to and copy any records that must be kept under the conditions of this permit,
3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit,
4. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location, and
5. Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the permit, could originate, be stored, or be discharged to the sewer system.

The permittee shall make the necessary arrangements where security measures are in force so that Lafayette Renew shall be permitted to enter the premises without delay. Any temporary or permanent obstructions to access the facility for inspection or sampling shall be promptly removed by the permittee at the written or verbal request of Lafayette Renew and shall not be replaced unless approved by Lafayette Renew. The cost of clearing such access shall be borne by the permittee. Unreasonable delays in allowing Lafayette Renew access to the permittee's premises shall be a violation of the permittee's industrial user permit.

**F. Retention of Records**

1. The permittee shall retain records of all monitoring information, including all calibration and maintenance records for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application.

This period may be extended by request of Lafayette Renew at any time.

2. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by Lafayette Renew, shall be retained and preserved by the permittee until all enforcement activities have concluded, and all periods of limitation with respect to any and all appeals have expired.

**G. Record Contents**

Records of sampling and analyses shall include:

1. The date, exact place, time, and methods of sampling or measurements and sample preservation techniques or procedures used;
2. Who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. Who performed the analyses;
5. The analytical techniques, methods and detection limits used;
6. The results of such analyses, and
7. chain of custody if the sample analysis is performed by an independent laboratory.

**H. Falsifying Information**

Knowingly making any false statement on any report or other document required by this permit, or knowingly rendering any monitoring device or methods inaccurate, is a crime and may result in the imposition of criminal sanctions and/or civil penalties.



**PART X – ADDITIONAL REPORTING REQUIREMENTS****A. Planned Changes**

The permittee shall give notice to Lafayette Renew 90 days prior to any facility expansion, production increase/decrease, or process modifications which results in new or substantially increased/decreased discharges or a change in the nature of the discharge.

**B. Anticipated Noncompliance**

The permittee shall give, upon awareness, notice to Lafayette Renew of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

**C. Hazardous Waste Discharge Notification**

The permittee shall notify Lafayette Renew, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the City of Lafayette's Sewer system of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Notification shall be as set forth in 40 CFR 403.12 (p).

**D. Duty to Provide Information**

The permittee shall furnish to Lafayette Renew, within 10 days, any information which Lafayette Renew may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to Lafayette Renew, within 10 days, copies of any records required to be kept by this permit.

In the event that information is requested that is not readily available or is not required to be maintained as records under this permit, Lafayette Renew may extend the period for response beyond 10 days.

**E. Operating Upsets**

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either this permit or with the City of Lafayette Sewer Service and Wastewater Control Ordinance, as amended, shall inform Lafayette Renew within 24 hours of becoming aware of the upset at (765) 807-1800.

**The permittee shall have a sign posted in the process area to call immediately Lafayette Renew at (765) 807-1800 in case of an upset or accidental discharge of regulated constituents. This sign shall be maintained throughout the permitted period.**

A written follow-up report of the upset shall be filed by the permittee with Lafayette Renew within five (5) days. The report shall specify:

1. Description of the upset, the cause(s) thereof and the upset's impact on the permittee's compliance status,
2. duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue, and
3. all steps taken, or to be taken to reduce, eliminate, and prevent recurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

#### **F. Potential Slug Discharge Notification**

The permittee shall immediately notify Lafayette Renew of any changes that may affect the potential for a slug discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW.

#### **G. Signatory Requirements**

All applications, plans and reports submitted to Lafayette Renew must contain the following certification statement and be signed by an authorized representative of the industrial user.

**"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."**

\_\_\_\_\_  
**Signature of Authorized Representative**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Date**

An authorized representative may be:

- (1) A principal executive officer of at least the level of vice president or equivalent, if the Industrial User submitting the report is a corporation.
- (2) A general partner or proprietor if the Industrial User submitting the report is a partnership or sole proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the discharge originates.

ATTACHMENT I

